

was instituted, Dula fled the county; that the grave was discovered by disclosures made by Anne Melton to a witness; that it was so carefully concealed as for a long time to defy search in it's immediate vicinity; that it was at last indicated by the snorting of a horse, which smelt the blood; that when the grave was opened, Laura's body was discovered, also the bundle of clothes, which was more than a half mile from where she was killed, and which was within a few hundred yards from the prisoner's house and within a hundred or two yards from the spot where the prisoner was seen with a Mattach in his hand, the day before the Friday on which Laura disappeared. By these circumstances and others, the solicitor stated that he expected to prove that Thomas Dula, the prisoner, committed this murder, instigated by threats by Anne Melton, who was prompted by revenge and jealousy. There was no exception to the charge of the court to the jury, but many exceptions to the admissibility of the evidence offered and allowed. As this, a case of circumstantial evidence, the presiding judge has thought proper to act forth all evidence, especially since the counsel assigned by the court to defend the prisoner, have instructed the judge, the duty of making up the case, the exceptions are carefully noted.

#### STATES WITNESSES

Col. Isbell testified that the accepted diagram marked A which was used upon the trial, was a faithful representation of the various locations designated, that he was well acquainted with the neighborhood and made the map himself, that the relative positions of the various places and the distances put down were correct, that Wilson Foster, father of the deceased, lived in Caldwell County. The prisoner, Dula, and James Melton, husband of Anne, lived in Wilkes County, that Elk Creek was a dividing line between the two counties.

Wilson Foster testified that he was the father of Laura Foster, she lived with him, her mother was dead; that he was well acquainted with the prisoner, commenced visiting at his house two months before the disappearance of Laura. He came to see Laura, who was 22 years of age and unmarried, he came